

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re: AUTOMOTIVE PARTS :
ANTITRUST LITIGATION : Master File No. 12-md-02311
: Honorable Marianne O. Battani

In Re: All Cases

THIS DOCUMENT RELATES TO:

END-PAYOR ACTIONS
DEALERSHIP ACTIONS
TRUCK AND EQUIPMENT DEALER
ACTIONS

**ORDER DENYING PLAINTIFFS' MOTION TO SET
AN EXPEDITED BRIEFING AND HEARING SCHEDULE ON
INDIRECT PURCHASER PLAINTIFFS' MOTION FOR AN ORDER
DIRECTING DEFENDANTS TO PAY HALF OF THE PARTIES'
COSTS RELATING TO OEM DISCOVERY**

This matter is currently before the undersigned, Special Master, upon *Plaintiffs’ Motion to Set an Expedited Briefing and Hearing Schedule on Indirect Purchaser Plaintiffs’ Motion for an Order Directing Defendants to Pay Half of the Parties’ Costs Relating to OEM Discovery* (Docket No. 1886). In the Motion, Plaintiffs seek to set an expedited briefing schedule on their previously filed *Motion for an*

Order Directing Defendants to Pay Half of the Parties' Costs Relating to OEM Discovery. Plaintiffs assert that class certification motions are scheduled to be filed in October 2018, and that it is critical to those motions that the OEM discovery be produced expeditiously. At this point, it appears Defendants may contest paying half of the OEM discovery costs.

The undersigned was intimately involved in the Orders entered directing OEM discovery and is well aware that the Motion to compel payment of half the OEM discovery costs is not inconsequential. Significant document discovery will occur from the OEMs involving significant expense. Defendants should not be required to accelerate their response to the Motion to compel payment given the serious nature of the expenses to be incurred. At the same time, the Motion to accelerate will simply save approximately three (3) weeks on the schedule, since there currently exists a Master's Motion Day scheduled for June 5, 2018 where the original Motion can be heard. The undersigned concludes it is best to allow Defendants the full time allocated under the Court rules to reply to the Motion instead of accelerating the schedule and perhaps deny Defendants a full opportunity to respond.

Based upon the foregoing, *Plaintiffs' Motion to Set an Expedited Briefing and Hearing Schedule on Indirect Purchaser Plaintiffs' Motion for an Order Directing*

Defendants to Pay Half of the Parties' Costs Relating to OEM Discovery is hereby
DENIED.

This Order shall be subject to appeal to the Honorable Marianne O. Battani, pursuant to the *Order Appointing a Master* (ECF No. 792) in accordance with that Order.

Dated: May 4, 2018

/s/ Gene J. Esshaki
Gene J. Esshaki, Special Master